

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

RAYMOND SIEGER, individually and as
Administrator of THE ESTATE OF SUSAN G.
SIEGER,

Plaintiff,

v.

OCTAPHARMA USA, INC.,

Defendant.

Index No.: 2:13-CV-06922-JHS

JOINT STIPULATION AND ORDER APPROVING THE SETTLEMENT

WHEREAS, on July 24, 2014, the parties reached a confidential settlement in principle in the above-captioned case during a mediation conducted by U.S. Magistrate Judge Thomas J. Rueter, Dkt. No. 20;

WHEREAS the parties subsequently negotiated a confidential settlement agreement, which was executed by plaintiff on September 22, 2014;

WHEREAS Defendant Octapharma USA, Inc. (“Octapharma”) is concurrently filing this confidential settlement agreement under seal with this Court;

WHEREAS Octapharma contends that Pennsylvania law requires court approval to settle claims by an estate, 20 Pa. C.S.A. § 3323(a)-(b); *Moore v. Gates*, 580 A.2d 1138, 1141 (Pa. Super. Ct. 1990) (en banc); *see also, e.g., Hein v. Nicholas Transport, Inc.*, Civ. A. No. 89-0966, 1992 WL 195386, at *2 (E.D. Pa. Aug. 6, 1992);

WHEREAS Octapharma contends that court approval is required in this case because Plaintiff's Complaint contains a survival claim, brought on behalf of the Estate of Susan G. Sieger, Compl. ¶¶ 50-52, Dkt. No. 1;

WHEREAS, the parties jointly petition the Court to approve the confidential settlement of plaintiff's survival claim;

WHEREAS this Court, on July 24, 2014, entered an Order dismissing the above-captioned case with prejudice pursuant to Local Civil Rule 41.1(b), Dkt. No. 19;

WHEREAS, on October 20, 2014, Octapharma USA, Inc. requested, pursuant to Local Civil Rule 41.1(b), that the Court modify (or vacate) its July 24, 2014 order dismissing the case with prejudice pending the Court's approval of the confidential settlement, Dkt. No. 21;

WHEREAS, the parties have conferred and agree that the following order is proper and should be entered;

IT IS HEREBY ORDERED THAT:

1. This Court's July 24, 2014 order dismissing the case with prejudice pursuant to Local Civil Rule 41.1(b) is hereby vacated pursuant to that same rule for the purpose of ruling on the parties' request for approval of the confidential settlement;
2. The parties' request for approval of the confidential settlement of plaintiff's survival claim is GRANTED; the confidential settlement of plaintiff's survival claim is hereby APPROVED, pursuant to 20 Pa. C.S.A. § 3323(a)-(b);
3. This action is hereby DISMISSED WITH PREJUDICE pursuant to Fed. R. Civ. P. 41(a).

Dated: October 23, 2014

Respectfully submitted,

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Counsel for Defendant
Octapharma USA, Inc.

SO ORDERED:

The Honorable Joel H. Slomsky
United States District Judge

Entered this ____ day of _____, 2014.